

REMARKS

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 2-9 under 35 U.S.C. § 112, second paragraph, in view of the above amendments to the independent claims 5, 6 and 7. The Examiner states that (in his opinion) claims 5-7 "lack positive recitation". It is assumed that the Examiner means that method steps are recited with passive-voice verbs, rather than active-voice verbs. The MPEP specifically states that passive-voice verbs are acceptable and are not "indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention".

However, to expedite the disposition of the application, Applicant has amended the independent method claims 5-7 to recite method steps in the active voice.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, and to find the application to be in condition for **allowance** with all of claims 2-9 and 11-19.

Notwithstanding the Examiner's assertion to the contrary, this **final new** ground of rejection was **not "necessitated"** by Applicant's previous Amendment. Rather, the allegedly indefinite language in claims 5-7 existed at the time of the previous Action, whereby the **new** ground of rejection clearly was **not** necessitated by Applicant's previous Amendment in which the **allowable** dependent claims 5, 6, and 7 were merely rewritten in independent form.

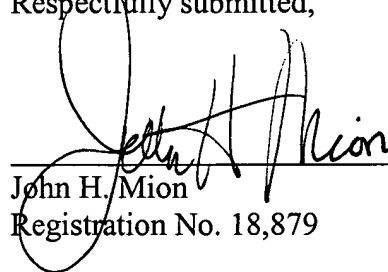
AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. APPLN. NO. 09/865,721

REQUEST FOR INTERVIEW

If Examiner Lee considers the application not now to be in condition for allowance with all of claims 2-9 and 11-19, Examiner Lee is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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